

**IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS  
STATE OF MISSOURI**

**ISAIAH FORMAN,**

**Plaintiff,**

**VS.**

# THE CITY OF WOODSON TERRACE,

**SERVE:**

## Mayor Lawrence P. “Butch” Besmer

**4323 Woodson Road**

**Woodson Terrace, MO 63134**

**and,**

**C.V. “BUTCH” MAYBERRY,**

**SERVE AT:**

**4323 Woodson Road**

**Woodson Terrace, MO 63134**

**and,**

**SERGEANT JOHN DOE,**

**SERVE AT:**

**4323 Woodson Road**

**Woodson Terrace, MO 63134**

### Defendants.

Cause No.

## Division

## JURY TRIAL DEMANDED

# PETITION

COMES NOW Isaiah Forman, and for his Petition against the City of Woodson Terrace,  
Chief of Police C.V. “Butch” Mayberry, and Sergeant John Doe, would state as follows:

## FACTS

1. This Petition arises under 42 U.S.C §1983 and 28 U.S.C. §1387 together with state common law and statutory claims.

2. This action arises out of events which occurred within St. Louis County, Missouri and within the jurisdiction and venue of this Court.

3. That at all times material hereto, Isaiah Forman was an adult African American individual and a resident of the State of Missouri, County of St. Louis.

4. That at all times relevant hereto, Woodson Terrace was a Municipal Corporation, which, amongst other things, operated a police department.

5. That C.V. “Butch” Mayberry, a Caucasian, at all times relevant to this action was the Chief of the Police Department of the City of Woodson Terrace, Missouri.

6. That at all times relevant to this action, Sergeant John Doe was a Caucasian police officer carrying the rank of sergeant, who was an employee of the City of Woodson Terrace and a member of the Woodson Terrace Police Department under the command of Chief Mayberry.

7. That the City of Woodson Terrace itself and/or by or through the Woodson Terrace Police Department and/or Chief Mayberry, hired and employed Sergeant John Doe as a police officer, and bestowed upon him the powers, duties, obligations, and capacity to exercise force attendant thereto, and deployed him as a police officer to engage in interactions with the population and citizens of St. Louis County, Missouri.

8. That at all relevant times hereto, Defendants acted under color of state law.

9. That on or about April 14, 2019, Sergeant John Doe assaulted and battered the person of Isaiah Forman in connection with an attempt by Sergeant John Doe and others to arrest Isaiah Forman.

10. That at the time of such assault, Isaiah Forman was engaged in no offensive or aggressive behavior and had physically surrendered peaceably to the police.

11. That despite such surrender on the part of Isaiah Forman, Sergeant John Doe approached Isaiah Forman with his weapon drawn and proceeded to repeatedly kick and strike Isaiah about the body, head and chest.

12. That at the time at such assault and battery, Isaiah Forman was not engaged in any aggressive behavior, was not posing any risk of injury or threat to himself, the police officers, or others, and had in fact physically surrendered to the above-referenced officers.

13. That the Defendants' conduct violated clearly established statutory or constitutional rights which a reasonable person would have known.

14. That Defendant Sergeant John Doe, individually and as agent of the City of Woodson Terrace, was deliberately indifferent to the rights of citizens and had a propensity to violate the constitutional rights of citizens, use excessive force and display unreasonable behavior with animosity and bias towards minorities including but not limited to African Americans including the Plaintiff.

### **Count I**

COMES NOW Isaiah Forman, and pursuant to [42 U.S.C. §1983](#) and [42 U.S.C. §1988](#) and for Count I of his Petition against the City of Woodson Terrace, Missouri, by and through its agents including the City of Woodson Terrace Police Department, Chief Mayberry, and Sergeant John Doe would state as follows:

15. Plaintiff repeats and realleges the material allegations of paragraphs 1 through 14 hereinabove and incorporates the same herein by reference for all purposes.

16. Under the totality of circumstances, that the use of force by Defendants and their agents against Isaiah Forman was unconstitutional, excessive and not objectively reasonable in violation of [42 U.S.C. §1983](#) and demonstrated a deliberate and/or reckless indifference to and violation of Isaiah Forman's rights pursuant to the United States Constitution.

17. That any countervailing governmental interest at stake did not warrant the level of force used on Isaiah Forman by Defendants.

18. That the Defendants' policies, procedures, customs and/or habits proximately caused the damage to Plaintiff by their deliberate or negligent:

- a) Failure to properly train, supervise and/or instruct officers;
- b) Hiring and retention of officers;
- c) Lack of implementation or appropriate enforcement of policies and protocols governing the actions or conduct of officers; and/or
- d) Failure to enforce the obedience of its policies and protocols governing by officers and agents acting under color of law.

19. That the actions of such Defendants were outrageous so as to show clear and deliberate indifference to the rights of Plaintiff Isaiah Forman, shock the conscious of the community, and amounts to legal malice and therefore subjects such Defendants to punitive or exemplary damages.

20. That as a direct and proximate result of the above and foregoing acts and omissions of the Defendants, Isaiah Forman has suffered the following actual damages:

- a) Pain, suffering, fear, terror and emotional distress as a result of the unconstitutional beating;
- b) Medical bills and expenses for his care, treatment and cure of the injuries sustained as a result of such unconstitutional beating;
- c) The cost of future medical care, treatment and cure; and
- d) Traumatic brain injury and the normal consequences thereof.

WHEREFORE, for the forgoing reasons, Plaintiff Isaiah Forman respectfully prays for judgment in his favor and against Defendants City of Woodson Terrace, Chief C.V. "Butch" Mayberry and Sergeant John Doe in such amount as is fair and reasonable and in excess of the

jurisdictional minimums of this Court, together with punitive damage in such amount as to be in fact punitive and act as a deterrent to these defendants and others similarly situated from engaging in like conduct in the future, together with costs, attorneys' fees, interest, and for such other and further relief as this Court may deem just and proper under the circumstances.

*Respectfully submitted,*

MCCLOSKEY, P.C.

By: /s/Mark T. McCloskey  
Mark T. McCloskey, #36144  
Patricia N. McCloskey, #36153  
The Niemann Mansion  
4472 Lindell Blvd.  
St. Louis, Missouri 63108  
(314) 721-4000 telephone  
(314) 721-3664 facsimile  
[McCloskeyLaw@aol.com](mailto:McCloskeyLaw@aol.com)  
*Attorneys for Plaintiff*